

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
October 14, 2008

D052344 People v. Castro

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Aaron, J., Irion, J.

D053379 In re Baby Boy B., a Juvenile

The appeal is dismissed. McConnell, P.J.; We Concur: Nares, J., McIntyre, J.

D053069 In re Arturo B., a Juvenile

The appeals are dismissed. Aaron, J.; We Concur: Benke, Acting P.J., Huffman, J.

D052912 People v. Adair

The judgment is modified by striking the one-year enhancement for the prior prison term. As so modified, the judgment is affirmed. The superior court is directed to prepare an amended abstract of judgment and to forward it to the Department of Corrections and Rehabilitation. Aaron, J.; We Concur: McConnell, P.J., Irion, J.

D052141 People v. Hendrix

The judgment is affirmed. Huffman, J.; We Concur: Benke, Acting P.J., Nares, J.

D053144 People v. Wilson

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.316.)

D053762 Skyer v. Parrett et al.

Because appellant did not timely pay the filing fee, the appeal is DISMISSED.

D053759 In re Miller on Habeas Corpus

The petition is denied.

D052958 In re Francisco C. et al., Juveniles

The order is affirmed. Aaron, J.; We Concur: McConnell, P.J., Huffman, J.

Court convened at 9:00 a.m.

Present: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Richard Huffman and Gilbert Nares

Clerk: D. Moore

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
October 14, 2008 (Continued)

D049908 Jeld-Wen, Inc. v. Action Iron Works Inc., et al.

Cause called on merits. Richard Sieving, Esq. argued for appellant. Allison Lenore Jones, Esq. argued for respondent, KAS Supply Company, Inc. Heather Neveu, Esq. argued for respondent, Western Insulation, Inc. William Eric Blumhardt, Esq. argued for respondent, South Coast Sheet Metal. John M. Fedor, Esq. was present in oral argument for respondent, Action Iron Works, Inc. and etc., but did not argue. Christopher Michael Lea, Esq. was present in oral argument for respondent, Pacific Coast Roofing, but did not argue. Stacy Johnson, Esq. was present in oral argument for respondent, Foshay Electric Co., Inc., but did not argue. John Dwyer, Esq. was present in oral argument for respondent, National Roofing Consultants, but did not argue. Mr. Sieving replied. Cause submitted.

Court recessed at 9:42 a.m. to change panel members. New panel members: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Richard Huffman and Gilbert Nares

D050885 Elasali v. Mayer

Cause called on merits. Nour Eddine Elasali, argued for appellant, in pro per. Robert Harrison, Esq. argued for respondent. Mr. Elasali replied. Cause submitted.

D051811 Stiglich, III v. Jani-King of California, Inc.

Cause called on merits. Karen McCay, Esq. argued for appellant. Michael Neal Jackman, Esq. argued for respondent. Ms. McCay replied. Cause submitted.

Court recessed at 10:37 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Judith Haller, Acting Presiding Justice, and The Honorable Associate Justices Terry O'Rourke and Cynthia Aaron
Clerk: D. Moore

D050112 Paduano v. American Honda Motor Company, Inc.

Cause called on merits. Michael Edward Lindsey, Esq. argued for appellant. Donald Falk, Esq. argued for respondent. Mr. Lindsey replied. Cause submitted.

Court recessed at 1.53 p.m. to change panel members. New panel members: The Honorable Judith Haller, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and Terry O'Rourke

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
October 14, 2008 (Continued)

D051511 Safaie v. Jacuzzi Brands Inc., et al.

Cause called on merits. Mark I. Knutson, Esq. argued for appellant. George J. Berger, Esq. argued for respondent. Mr. Knutson replied for appellant. Cause submitted.

D049623 Cardinal Health 301, Inc. v. Tyco Electronics Corporation et al.

Cause called on merits. Peter L. Garchie, Esq. argued for appellant. Michael H. Fish, Esq. argued for respondent, Thomas & Betts Corporation. Richard Keith Howell, Esq. argued for respondent, Cardinal Health. Mr. Garchie replied. Mr. Fish replied. Cause submitted.

Court recessed at 3:23 p.m. to change panel members. New panel members: The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justices Gilbert Nares and Joan Irion

D050432 People v. Anderson

Cause called on merits. Stephen Merritt Hinkle, Esq. argued for appellant. Melissa Mandel, Deputy Attorney General argued for respondent. Mr. Hinkle replied. Cause submitted.

D052016 Loomis v. Bert Purdy & Associates, Inc.

Cause called on merits. Todd A. Moore, Esq. argued for appellant. Thomas Ware, Esq. argued for respondent. Mr. Moore replied. Cause submitted.

Court recessed at 4:15 p.m. until Wednesday, October 15, 2008 at 9:00 a.m.

D053778 In re Miller on Habeas Corpus

The petition is duplicative of D053759. The petition is denied.

D053036 In re Wright on Habeas Corpus

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
October 15, 2008

D051965 Janet C. v. Robert L.

The order is affirmed. Benke, Acting P.J.; We Concur: Huffman, J., Irion, J.

D050723 People v. Gater

The judgment of the trial court is affirmed. Aaron, J.; I Concur: McConnell, P.J., I Concur in the Result: McDonald, J.

Court convened at 9:00 a.m.

Present: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Gilbert Nares and Cynthia Aaron
Clerk: D. Moore

D050683 Valley Casework, Inc. v. Lexington Insurance Company

Cause called on merits. David Baumgarten, Esq. argued for appellant. Negin Demehry, Esq. argued for respondent. Mr. Baumgarten replied. Cause submitted.

Court recessed at 9:23 a.m. until 10:00 a.m.

Court reconvened at 10:00 a.m.

Present: The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justices Judith Haller and Alex McDonald
Clerk: D. Moore

D053331 Dodson v. Superior Court

Matter called on merits. Thomas A. Olafson, Deputy District Attorney argued for petitioner. Jodi Cleesattle, Deputy Attorney General argued for respondent. Mr. Olafson replied. Matter submitted.

Court adjourned at 10:17 a.m.

D052949 In re Samuel G. et al., Juveniles

The appeal is dismissed. Haller, J.; We Concur: Benke, Acting P.J., O'Rourke, J.

D053274 In re J. H., a Juvenile

The appeal is dismissed. O'Rourke, J.; We Concur: Benke, Acting P.J., Huffman, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
October 15, 2008 (Continued)

D053863 Hallam v. Superior Court of San Diego County/People

Ramona Hallam originally filed a petition for writ of mandate, request for relief from default and request for stay of sentence in the California Supreme Court on October 1, 2008. The Supreme Court transferred the matter to this court for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767 and directed us to deny the petition if we determine that it is substantially identical to a prior petition.

The petition for writ of mandate, request for relief from default and request for stay have been read and considered by Presiding Justice McConnell and Associate Justices Benke and McDonald. Hallam has filed no previous petitions in this court so we review the matter in the first instance. The petition is denied.

D053782 In re Boyd on Habeas Corpus

The petition is denied without prejudice to refile in the Court of Appeal, Fourth District, Division Two, 3389 Twelfth Street, Riverside, Ca 92501.

D053822 In re Panarella on Habeas Corpus

The petition is denied.

D053352 In re Branch on Habeas Corpus

The petition is denied.

D052857 In re Ransom on Habeas Corpus

The petition is denied.

D053696 County of San Diego v. R.M.

The appeal filed August 28, 2008, is DISMISSED because appellant did not timely pay the filing fee or obtain a fee waiver and appellant did not timely designate the record. (Cal. Rules of Court, rules 8.100(c)(3) and 8.140(a)(1)).

D052482 Holgren et al. v. F.I.A. Card Services, N.A.

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the remittitur is ordered to issue immediately.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
October 16, 2008

D052789 Rankin v. Longs Drug Stores California, Inc.

Upon written request filed by the parties, the appeal is DISMISSED and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).)

D052821 In re Aaron B. et al.

The judgment is affirmed. Irion, J.; We Concur: Benke, Acting P.J., Nares, J.

D051911 People v. Bechthold

The order is affirmed. Benke, Acting P.J.; We Concur: Huffman, J., Irion, J.

D053041 In re Evelyn S. et al., a Juvenile

Judgment affirmed. McConnell, P.J.; We Concur: Nares, J., Haller, J.

D053117 People v. Gutierrez

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 8.360(c)(5)(A). The appeal is dismissed.

D048746 U.S. Grant Hotel Ventures, LLC v. American Property Management

D050053 U.S. Grant Hotel Ventures, LLC v. American Property Management

The judgment is reversed and remanded for further proceedings consistent with the views we have expressed. Appellants to recover their costs of appeal. Benke, Acting P.J.; We Concur: Nares, J., Haller, J.

D053769 In re Scalf on Habeas Corpus

The petition is denied.

D053675 In re Scalf on Habeas Corpus

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
October 17, 2008

D053180 Gates et al. v. Hallmark RBSD Inc., et al.

Upon written request filed by appellant, the appeal is DISMISSED and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).)

D053862 Thomas v. The Superior Court of San Diego County/People

The petition is denied.

D052159 York et al. v. Navigators Insurance Co.

The judgment is affirmed. NIC is entitled to costs on appeal. McDonald, Acting P.J.;
We Concur: O'Rourke, J., Aaron, J.

D050585 People v. Sanchez

The judgment is affirmed. The trial court is ordered to correct the abstract of judgment to reflect that the sentence enhancements on count 5 attempted rape are 10 years for section 12022.3 and five years for section 12022.8. A copy of the corrected abstract of judgment shall be transmitted to the Department of Corrections and Rehabilitation. Haller, Acting P.J.; We Concur: O'Rourke, J., Aaron, J.

D052835 In re Marriage of Wardwell

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).)

**D053751 Roth et al. v. The Superior Court of San Diego County/Southern California
Gem Industries, Inc.**

The petition is denied.